

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAWN MARIE VINTON,)	
)	
Plaintiff,)	Case No. 1:08-cv-755
)	
v.)	Honorable Joseph G. Scoville
)	
TRANS UNION, LLC, et al.,)	
)	<u>ORDER OF DISMISSAL</u>
Defendants.)	
)	

This matter came on for hearing on the motion of defendants for dismissal of plaintiff's complaint, as amended, for failure to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6). At a hearing conducted on January 27, 2010, the court found that plaintiff's amended complaint, read with all liberality due to *pro se* pleadings, nevertheless failed to state a claim upon which relief could be granted under the Fair Credit Reporting Act. To satisfy the requirements of Rule 8(a), a plaintiff must allege a plausible claim that defendants (1) provided consumer reports for a purpose not allowed by 15 U.S.C. § 1681b and (2) acted willfully, thereby entitling plaintiff to an award of statutory damages. *See Hinton v. TransUnion, LLC*, 654 F. Supp. 2d 440, 448-50 (E.D. Va. 2009). Plaintiff's complaint fails to allege either element. The court further found, upon questioning plaintiff, that plaintiff would be unable to allege, consistent with the requirements of Fed. R. Civ. P. 11(b), a claim that either defendant plausibly violated plaintiff's rights under the Fair Credit Reporting Act. Amendment would therefore be futile. Accordingly, for the reasons set forth more fully on the record:

IT IS ORDERED that defendants' motion to dismiss (docket #'s 47, 49) be and hereby is GRANTED. All federal claims in plaintiff's complaint will be DISMISSED WITH PREJUDICE. The court declines to exercise supplemental jurisdiction over plaintiff's state-law claims, which will be DISMISSED WITHOUT PREJUDICE.

DONE AND ORDERED this 29th day of January, 2010.

/s/ Joseph G. Scoville
United States Magistrate Judge